



Shaping the future for birds

Noreen Walsh
Regional Director, Mountain-Prairie Region
U.S. Fish and Wildlife Service
134 Union Blvd.
Lakewood, CO 80228

January 21, 2015

Subject: Ninnescah Wind Energy Project and Associated Power Lines and Towers

Dear Regional Director Walsh:

American Bird Conservancy (ABC) and International Crane Foundation (ICF) are writing to express our concern about the Ninnescah Wind Energy Project proposed for Pratt County, Kansas. Endangered Whooping Cranes have been sighted in this area and the project lies within the species' federally-designated migratory corridor. We have heard that plans are underway to obtain a right-of-way for transmission lines and towers that would connect the Pratt County Ninnescah Project to the existing Flat Ridge I and Flat Ridge II wind farms and the proposed Flat Ridge III Project, thus potentially affecting the migratory patterns of cranes and large numbers of waterfowl that use the area, as well as Bald Eagles. The planned wind facility is less than 35 miles south of Quivera National Wildlife Refuge (NWR), a well-known staging area for Whooping Cranes and numerous other migratory waterfowl. Based on satellite-tagged birds, Whooping Cranes spend an average of seven days in Kansas stopover sites. Quivera NWR is the stopover site where birds spend the longest period of time. In addition, the project is only 1 mile south of the Pratt County Lake and approximately 4 miles north of the Isabel Wetlands, also an important migratory stopover for thousands of migratory birds.

It is important to note that the most significant cause of Whooping Crane mortality is collisions with power lines and towers, thus making this project highly suspect from a bird conservation perspective. The presence of these power lines and towers are of grave concern to both ICF and ABC; if approved and built, every attempt should be made to mitigate their effects on cranes (<http://www.fws.gov/midwest/wind/references/ManvilleBirdMortality.pdf>), and regular monitoring of the area should be a prerequisite. If any cranes are killed, then pre-construction agreements should be negotiated that would require meaningful compensation for the loss of public trust resources, which could come in the form of long-term protection for known stopover sites and surrounding areas, as well as support of conservation-related research.

When it comes to wind energy, siting is everything. ABC has developed a wind risk assessment map to help in making such decisions (http://www.abcbirds.org/extra/index_wind.html). While the map does not preclude the need for site-specific risk assessment studies, it does give some idea of where wind facilities should be placed and where they should not, given the substantial risks to public trust resources, including ecologically-important birds. Red areas on the map designate areas where wind should not be developed, and orange areas designate regions where great caution should be exercised. The Ninnescah Project and the power lines and



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towers that would connect it to Flat Ridge III is in an orange area on the ABC map, indicating that every effort should be made to carefully assess risks before approving construction. Because of the substantial risk to endangered Whooping Cranes and other birds covered under the Migratory Bird Treaty Act and Bald and Golden Eagle Protection Act (BGEPA), we ask that the FWS take particular care in reviewing this project. Given the presence of Whooping Cranes in the area, we believe that Section 7 consultation under the Endangered Species Act (ESA) will be necessary, as will the developer's application for and FWS approval of an incidental take permits under the ESA and BGEPA. We also hope that FWS will soon start enforcing the MBTA. We wonder, however, how the FWS will be able to accurately assess the potential cumulative impact of further wind turbine and power line and tower construction in the Whooping Crane Migratory Corridor? The models developed for this purpose are untested and require further research to be validated. Essentially, this is a huge experiment, with our public trust resources at risk.

The recent analysis of wind turbine placement conducted by ABC and Mississippi State University showed that 5,500 turbines already exist in the Corridor and that an additional 18,518 are planned. Combined with the construction of many more power lines and towers to carry electricity from these projects into the grid, it could create a major gauntlet for Whooping Cranes to negotiate during migration, resulting in mortalities, or altering migration patterns and increasing energetic expenditures. Use of this corridor is expected to increase as the Whooping Crane population increases. However, even with future growth, it should be recognized that the loss of small numbers of birds could still be significant.

ABC and ICF will be watching the situation closely and will work to ensure that all federal and state guidelines are followed to the letter. We, of course, remain concerned about the voluntary nature of FWS' Land-based Wind Energy Guidelines that are based largely on industry self-reporting, which we consider to be a major and direct conflict of interest. We are also concerned about the lack of transparency surrounding wind energy development and the numbers and types of birds killed at wind energy facilities, which are being treated as state secrets. These are public trust resources being taken, and the public has a right to know.



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Sincerely,

Michael Hutchins, Ph.D.
National Coordinator,
Bird Smart Wind Energy Campaign
American Bird Conservancy

Julia A. Langenberg, DVM
Vice President, Conservation Science
International Crane Foundation

Cc: D. Ashe

ABC is a 501(c) (3) not-for-profit membership organization whose mission is to conserve native birds and their habitats throughout the Americas. ABC acts by safeguarding the rarest species, conserving and restoring habitats, and reducing threats, while building capacity in the bird conservation movement. ICF is a 501(c) (3) not-for-profit, science-based organization that is dedicated to the study and conservation of the 15 species of cranes worldwide. ICF's senior scientist, Dr. George Archibald, is a member of the International Whooping Crane Recovery Team and ICF contributes to Whooping Crane conservation through research and land/water conservation efforts in Texas and participation in Whooping Crane reintroduction projects.